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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 11-00656 LHK
)	
12 Plaintiff,)	STIPULATION TO CONTINUE
)	STATUS HEARING; PROPOSED
13 v.)	ORDER
)	
14 JOSE EZEQUIEL MONROY,)	
)	<u>HONORABLE LUCY H. KOH</u>
15 Defendant.)	
16 _____)	

17 Defendant and the government, through their respective counsel, subject to the court's
18 approval, hereby stipulate that the Court continue the status hearing in the above-captioned
19 matter, presently scheduled for, January 11, 2012 at 10:00 a.m., to February 8, 2012, at 10:00
20 a.m. The reason for the stipulation is as follows. On November 6, 2011, defense counsel's
21 eighty-eight year old mother broke her hip. On November 9, 2011, defense counsel made his
22 final argument in the case of United States vs. Suibin Zhang. CR 05-00812 RMW. Between
23 November 9, 2011, through November 25, 2011, defense counsel took leave to attend to his
24 mother who after overcoming complications, had hip surgery on November 12, 2011. A number
25 of complications arose due to counsel's mother's age, health, and the effects of major surgery.
26 On November 22, 2011, counsel's mother's doctors sent her home where she received hospice

1 care and with the expectation that she would die shortly. Counsel's mother died on December
2 13, 2011, and was buried on December 20, 2011. Because of these reasons and counsel's case
3 load, he has not had sufficient time to complete his investigation. Defense counsel will also not
4 be available during the week of January 3, 2012, and therefore cannot complete his work during
5 that week.

6 The parties further agree and stipulate that time should be excluded from and including
7 January 11, 2012, through and including February 8, 2012, to provide counsel reasonable time to
8 prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv). Accordingly,
9 the United States and the defendant agree that granting the requested exclusion of time will serve
10 the interest of justice and outweigh the interest of the public and defendant in a speedy trial.

11 Dated: January 4, 2012

12 _____/s/
13 MANUEL ARAUJO
Assistant Federal Public Defender

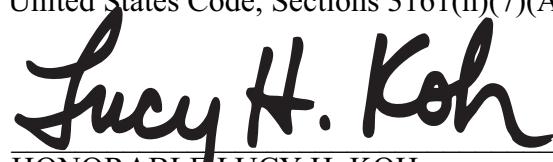
14 Dated: January 4, 2012

15 _____/s/
16 DANIEL KALEBA
Assistant United States Attorney

17 **~~PROPOSED~~ ORDER**

18 Good cause appearing and by stipulation of the parties, it is hereby ordered that the status
19 conference hearing in the above-captioned matter shall be continued from January 11, 2012, at
20 10:00 a.m., to February 8, 2012, at 10:00 a.m. It is further ordered that the period of delay from
21 January 11, 2012, through and including February 8, 2012, be excluded for purposes of Speedy
22 Trial Act computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and
23 3161(h)(7)(B)(iv).

24 Dated: 1 / 6 / 12

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HONORABLE LUCY H. KOH
United States District Judge

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